REMARKS

The October 15, 2008 Office Action regarding the above-identified application has been carefully considered; and the claim amendments above together with the remarks that follow are presented in a bona fide effort to respond thereto and address all issues raised in that Action.

The claims have been amended to more clearly distinguish over applied art. Care has been taken to avoid entry of new matter. Claims 48, 62 and 76 have been recast in independent form by incorporating the recitations of the respective claims. Since claims 48, 62 and 76 and previous versions of their parent claims were adequately supported, the independent versions of claims 48, 62 and 76 also should find ample support in the original disclosure of this application. Independent claims 46, 60 and 74 have been amended to specifically recite that the dynamically assignable function key is "not one of the alpha or numeric keys of the keypad." An example of this arrangement is shown in application FIG. 1b which shows the dynamically assignable navigation and/or function keys 125 separate, distinct and in addition to the keys 135 used to enter phone numbers and other information (see also lines 3-11 of page 8 of the original specification). Hence, the amended versions of independent claims 46, 60 and 74 also should find ample support in the original disclosure of this application.

For reasons discussed below, it is believed that this case is in condition for allowance. Prompt favorable reconsideration of this amended application is requested.

The latest Office Action rejected claims 46-87 under 35 U.S.C. § 103(a) as unpatentable over US publication 2004/0051741 to Venturino in combination with US patent no. 7,152,213 to Pu et al. (Pu). Applicants respectfully traverse this rejection.

Patentability of Claims 46, 60 and 74

Each of independent claims 46, 60 and 74 has been amended to recite that the dynamically assignable function key is "not one of the alpha or numeric keys of the keypad." As such, each of these claims and the claims that depend therefrom requires that the dynamically assignable function key is separate and distinct from the alpha or numeric keys. An example of such an arrangement is shown in application FIG. 1b, where various functions may be dynamically assigned to keys 125, and those keys 125 are separate and distinct from the keys 135 used for entry of alpha or numeric information. Each of independent claims 46, 60 and 74 recite a first screen display that includes a first level menu providing functional groupings for user selection and a second level menu of choices for user selection from within a selected one of the functional groupings of the first level menu. Each of these independent claims also specifies displaying a second screen responsive to a user acceptance of the selected one of the choices. The displayed second screen includes an area containing information relating to the selected choice as well as a key assignment area. The key assignment area displays a function of the cellularly communicative device that is associated with the selected choice, that is to say selected as a result of the user's acceptance of the selected one of the choices. The key assignment area displays the function as being dynamically assigned to the function key, that is to say being assigned to the function key that is "not one of the alpha or numeric keys of the keypad." Each independent claim also requires that the device performs the dynamically assigned function associated with the selected choice, upon user activation of that separate function key during the display of the second screen.

It is respectfully submitted that the cited references do not disclose a cellularly communicative device (or method of operation or software for such a device) having the recited

keypad arrangement, where the cellular device function is dynamically assigned to the separate and distinct function key and shown in a key assignment area on the display (as part of the second screen).

Venturino discloses a tabbed menu arrangement for a digital camera display. The disclosed camera provides a three level menu architecture (see paragraphs 0117 to 0120). A first screen on the display includes a first level menu providing textually labeled tab icons across the top, for a number functional groupings for user selection (see e.g. FIG. 6 and paragraph 0078). In the area below the tabs, a second level menu presents choices for user selection from within a selected one of the functional groupings of the first level menu tabs (compare for example FIGs. 6 and 12 to 13). As the user navigates through the choices on the screen and highlights a particular choice, the Venturino device will display more specific menu selections under a selected second level menu option (see e.g. FIGs. 11, 15 and 16), although apparently Venturino does not switch to a second display screen to present this third menu level. Although the Venturino disclosure focuses of a digital camera type device, the Examiner has pointed out that Venturino also teaches use of this interface in cell phones (citing paragraph 0012).

Venturino discloses use of dedicated function buttons (e.g. OK button discussed in paragraphs 0057 to 0062) and/or a hotkey, to select options (see e.g. paragraph 0199). The Examiner recognizes that Venturino does not suggest dynamic assignment of functions to one or more keys on the device with an attendant display of a currently assigned function as part of the second display screen (third level menu). Instead, the Examiner cites to Pu to allege that dynamic function assignment and associated display of the assigned function would have been obvious. It is respectfully submitted, however, that Pu does not in fact provide sufficient teachings to make up for the actual deficiencies of Venturino. Since, Venturino does not

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disclose the requisite function key and attendant dynamic assignment of a function, Venturino also fails to meet the requirement that the function key is not one of the alpha or numeric keys of the keypad, and Pu would not lead one of skill in the art to so modify Venturino as to meet the relevant claim requirements.

Simply by citing to the abstract and column 2, lines 45-67 teaching the dynamic assignments for text entry, the rejection asserts that Pu teaches inclusion of "an additional dynamically assignable function key." Pu does suggest dynamic assignment and display, however, Pu apparently assigns text not functions. Specifically, Pu suggests presentation of a standard telephone keypad on a display with the valid data entry selections dynamically assigned to the keys on the keypad (see column 2, lines 58-60).

Furthermore, Pu dynamically assigns text to the keys intended for alpha or numeric data entry, e.g. the keys of what would otherwise be a standard telephone keypad. A standard telephone keypad typically includes a plurality of alpha or numeric keys, however, there is no indication that the device in Pu includes an additional dynamically assignable function key that is not one of the alpha or numeric keys of the keypad. Since there is no separate dynamically assignable function key, Pu also fails to teach display of the function dynamically assigned to that key.

Hence, modification of Venturino in view of Pu would not result in a method, device or software in which there is dynamic assignment of a function to a key on the device with an attendant display of a currently assigned function as part of the second display screen (third level menu), particularly where the dynamically assignable function key is not one of the alpha or numeric keys of the keypad. Since the combination does not meet all of the requirements of any of independent claims 46, 60 and 74, those claims are patentably distinct over the combination of

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Venturino in view of Pu and the rejection of those claims and claims that depend therefrom under 35 U.S.C. § 103 should be withdrawn.

Patentability of Claims 48, 62 and 76

Claims 48, 62 and 76 relate to a method, a program product (a "manufacture") and a cellularly communicative electronic device, which provide a user interface on the device. In each claim, the device is one that includes a keypad having alpha or numeric keys and at least one dynamically assignable function key. Each independent claim recites a first screen display that includes a first level menu providing functional groupings for user selection. In these claims, **the functional groupings displayed in the first level menu include call messaging, contacts list, obtaining device services, recent calls, and settings and tools**. Each independent claim further recites display of a second level menu of choices in the first screen, for user selection from within a selected one of the functional groupings of that first level menu, that is to say selection from the displayed groupings that include call messaging, contacts list, obtaining device services, recent calls, and settings and tools.

Each independent claim also specifies displaying a second screen responsive to a user acceptance of the selected one of the choices. The displayed second screen includes an area containing information relating to the selected choice as well as a key assignment area. The key assignment area displays a function of the cellularly communicative device that is associated with the selected choice, that is to say selected as a result of the user's acceptance of the selected one of the choices. The key assignment area displays the function as being dynamically assigned to the function key. Each independent claim also requires that the device performs the dynamically assigned function associated with the selected choice, upon user activation of the function key during the display of the second screen.

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Although Venturino makes some mention of cell phones (e.g. paragraph 0012), Venturino concentrates mainly on the camera application. As a result, the alleged first screen display that includes a first level menu providing functional groupings, of Venturino, does not include cell phone functional groupings such as the recited call messaging, contacts list, obtaining device services, recent calls, and settings and tools, in the displayed functional groupings. Pu suggests presentation of a standard telephone keypad on a display with valid data entry selections dynamically assigned to the keys on the keypad (see column 2, lines 58-60). The rejection cites Pu only against function display aspects of the second screen referenced in these claims. Pu does not teach display of the specifically recited functional groupings in a first display screen. Hence, the proposed combination of Venturino and Pu would not lead to display of a first level menu providing functional groupings for user selection, on a first area of the displayed first screen, where the functional groupings include call messaging, contacts list, obtaining device services, recent calls, and settings and tools, as claimed.

Since the combination does not meet all of the requirements of any of independent claims 48, 62 and 76, those claims are patentably distinct over the combination of Venturino in view of Pu and the rejection of those claims under 35 U.S.C. § 103 should be withdrawn.

Conclusions

Upon entry of the above claim amendments, claims 46-87 remain active in this application, all of which should be definite as well as novel and patentable over the art applied in the Action. Applicants therefore submit that all of the claims are in condition for allowance. Accordingly, this case should now be ready to pass to issue; and Applicants respectfully request a prompt favorable reconsideration of this matter.
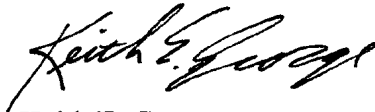
It is believed that this response addresses all issues raised in the October 15, 2008 Office Action. However, if any further issue should arise that may be addressed in an interview or by an Examiner's amendment, it is requested that the Examiner telephone Applicants' representative at the number shown below.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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